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Order

Defendants.

A review of the record indicates that the Magistrate Judge ordered the plaintiff to submit items needed to render the above-captioned case into proper form within twenty-one days, plus three days for mail time, and that if he failed to do so, his case would be dismissed *without prejudice*. The Magistrate Judge's order was sent to the last known address of the plaintiff. The plaintiff's mail was returned to the Court on July 26, 2010 as undeliverable due to the plaintiff's release from the Cherokee County Detention Center.

The plaintiff notified the Court of his new address and the proper form order and accompanying documents were re-sent to the plaintiff. A new deadline for plaintiff to respond was set by the Clerk of Court. The plaintiff has failed to provide the Court with the necessary documents and his time to do so has expired. Accordingly, the above-captioned case must be dismissed *without prejudice* pursuant to FRCP 41.¹ The Clerk of Court shall close this case and **terminate** all pending motions as **moot**.

IT IS SO ORDERED.



Richard M. Gergel
United States District Judge

Charleston, South Carolina
September 14, 2010

¹ See General Order, *In Re: Procedures in Civil Actions Filed by Prisoner Pro Se Litigants*, 3:07-mc-5014-JFA (D.S.C. Sept. 18, 2007) (dismissal *without prejudice* does *not* count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g)). If the plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk’s Office.